

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JERMAINE SHOCKLEY,)	
Petitioner,)	Civil Action No. 13-192 Erie
)	
v.)	
)	Magistrate Judge Susan Paradise Baxter
COMMONWEALTH, <u>et al.</u>,)	
Respondents.)	

OPINION AND ORDER

The Petitioner, Jermaine Shockley, is currently incarcerated in the State Correctional Institution Forest, located in Marienville, Pennsylvania ("SCI Forest"). Before the Court is his motion for leave to proceed *in forma pauperis* [ECF No. 1] and an accompanying petition for a writ of habeas corpus that he seeks to litigate pursuant to 28 U.S.C. § 2254. The Court shall grant the motion for leave to proceed *in forma pauperis* and direct the Clerk's Office to file the petition.

In the petition, Schockley is challenging the judgment of sentence imposed upon him on July 27, 2009, by the Court of Common Pleas of Delaware County at Criminal Docket No. CP-23-CR-8078-2007. SCI Forest is located within the territorial boundaries of this District. Delaware County is located within the territorial boundaries of the United States District Court for the Eastern District of Pennsylvania.

When a state prisoner files a petition for a writ of habeas corpus in a state like Pennsylvania, that contains two or more Federal judicial districts,

the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. **The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.**

28 U.S.C. § 2241(d) (emphasis added).

Shockley was tried, convicted, and sentenced in the Court of Common Pleas of Delaware County and, therefore, most, if not all, of the relevant activity occurred within the Eastern District of Pennsylvania. Thus, this Court finds that the furtherance of justice, as well as the convenience of the parties, would be better served by transferring this case to the Eastern District Court. This decision is in accordance with the agreed practice of the U.S. District Courts for the Eastern, Middle, and Western Districts of Pennsylvania, which is to transfer any habeas petitions filed by state prisoners in their respective districts to the district in which the county where the judgment of sentence was had is located.

An appropriate Order follows.

Dated: August 15, 2013

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States Magistrate Judge

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Magistrate Judge Susan Paradise Baxter

ORDER

AND NOW, this 15th day of August, 2013;

IT IS HEREBY ORDERED that the motion for leave to proceed *in forma pauperis* [ECF No. 1] is **GRANTED**. The Clerk's Office is directed to file the petition.

It is FURTHER ORDERED that this case be transferred to the United States District Court for the Eastern District of Pennsylvania.

/s/ Susan Paradise Baxter

SUSAN PARADISE BAXTER

United States Magistrate Judge